



Certificate Of Occupancy (C of O) Procedures

CODE REQUIREMENTS

No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure, or portion thereof, shall be made until the Building Official has issued a Certificate of Occupancy (C of O).

No change shall be made in the character of occupancies or use of any building that would place the building in a different division of the same group of occupancy or in a different group of occupancies, unless such building is made to comply with the requirements of this code for such division or group of occupancy.

No change in the character of occupancy of a building shall be made without a Certificate of Occupancy being issued.

After the Building Official inspects the building or structure and finds no violations of the provisions of this code or other laws, which are enforced by the code enforcement agency, the Building Official shall issue a Certificate of Occupancy.

The Certificate of Occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Building Official.

CERTIFICATE OF OCCUPANCY ISSUANCE REQUIREMENTS

- I. A Certificate of Occupancy will be issued to the owner by the building inspector, once the final building inspection approval has been granted for the following projects:
 - 1) A newly constructed building or structure built for a specific use and occupant.
 - 2) An interior finish of a shell for specified occupant.
 - 3) A tenant improvement for a change in use or change in the existing occupancy classification.
 - 4) Multiple housing buildings, R-1, R-2 & R-6 occupancies (condominiums and 3 or more unit apartments, hotels/motels, guest houses, residential care facilities, residential service facilities, emergency residential shelters, fraternities and sororities) will receive a single Certificate of Occupancy for each building.
- II. A Certificate of Occupancy will not be issued for the following:
 - 1) Building shell.
 - 2) Speculative improvement that is not for any specific use and tenant.
 - 3) Tenant improvements in a location with a pre-existing permit for the same use or occupancy that has received final inspection approval. See Item # III for duplicate Certificate of Occupancy procedures.
 - 4) When permits are issued for Plumbing, Mechanical or Electrical work only.
 - 5) For individual units in R-1, R-2 and R-6 occupancies.
 - 6) Single family (R-3), or utility (U) occupancies

III. A **duplicate Certificate of Occupancy** may be issued when requested, if research of permit history verifies that a permit received a final for the same use and the character of the occupancy classification has not changed. The duplicate C of O will be issued for the original permit that obtained a final. A fee will be charged to cover the cost of issuing a duplicate certificate. The fee will be based on the hourly rate listed in the current fee schedule with a half-hour minimum charge.

**Certificate of Occupancy Issuance Requirements -
When Previous Use or The Character of The Occupancy Classification Can Not Be
Confirmed and No construction Work is Occurring**

When an existing tenant requests a Certificate of Occupancy and research fails to adequately substantiate the current use or the occupancy classification of the building, the following procedure must be followed:

- 1) **Plan review and record research process** – To obtain a C of O for an existing building, the Commercial/Industrial Plan Check Submittal Form must be completed. A full set of floor plans and other pertinent details must be submitted noting the use of each space within the facility. The plan will be reviewed to verify that the proposed occupancy classification is in compliance with the most current code.
- 2) **Permit and Inspection Requirements** – Upon completion of the plan review, a permit will be issued to cover the costs of an inspection. The applicant must schedule an inspection to verify that actual conditions match the approved plan.
- 3) **Construction work without permits** – Permits must be obtained for all construction work that can not be substantiated by previous permit history. All permits issued will be subject to current Codes and regulations.
- 4) **Fees to be assessed** –
 - For item 1 above, a plan check fee will be assessed to cover the cost of researching the previous permit status and the plan review process. The fee assessment will be based on the Building Division's published hourly rate with a half-hour minimum.
 - For item 2 above, the permit fee will be based on the Building Division's published hourly rate with a one-hour minimum assessed.
 - For item 3 above, in addition to plan check and permit fees an investigation fee will be assessed to cover the cost of investigating the work that was done without permits and inspections. The investigation fee will be equal to the amount of the permit fee.

Additional information can be obtained by visiting our website at www.sanjoseca.gov/building/ or by calling our Information Inspector's voice mail at (408) 535-3555 and leaving a detailed message. In addition you may visit the Building Division in City Hall at 200 East Santa Clara St. Our hours are 9:00 a.m. to 4:00 p.m. with limited service between 12:00 p.m. and 1:00 p.m.